

June 14 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 10-0029

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FILED

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CLERK OF THE SUPREME COURT
STATE OF MONTANA

PEGGY L. STEVENS,

Plaintiff/Appellee,

-vs-

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant/Appellant.

**NPC'S MOTION TO FILE
CORRECTED BRIEF**

Appellant Novartis Pharmaceuticals Corporation ("NPC") respectfully requests that the Court allow it to file a corrected opening brief and appendix with corrected citations to the official appeal transcript. In its

1 opening brief, NPC inadvertently cited to the final district court trial
2 transcript and hearing transcripts, rather than to the official appeal
3 transcript, which is identical except for its pagination.

4 The only changes in NPC's corrected brief and appendix are the
5 page and line numbers of transcript citations. All citations are identical,
6 word for word, as between the citations to the final district court trial and
7 hearing transcripts and the official appeal transcript. No substantive
8 changes were made. A redlined version of the proposed corrected brief,
9 demonstrating that the only changes are to page-and-line citations to trial
10 and hearing transcripts, is attached as Att. A. A conversion table matching
11 the transcript references made in the original opening brief to those in the
12 corrected opening brief is attached as Att. B.

13 The brief and appendix with the corrected citations to the official
14 appeal transcript will enable the Court to find NPC's references in the
15 official appeal transcript and contain no substantive changes whatsoever.
16 NPC is not seeking an extension of any deadline.

17 Counsel for Peggy Stevens objects to this motion.

18
19 DATED this 11th day of June, 2010.

20
21 Joe G. Hollingsworth, Esq.
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26 and

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By: W. Carl Mendenhall
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CERTIFICATE OF SERVICE

I certify that on June 11th, 2010, I served a copy of the preceding document on the following:

| | |
|--|--|
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